



Rep. Emanuel Chris Welch

**Filed: 5/6/2019**

10100SB1831ham001

LRB101 09851 RPS 60176 a

1 AMENDMENT TO SENATE BILL 1831

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1831 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 5-1, 6-6, 6-6.5, 8-1, and 8-5 and by adding  
6 Sections 6-5.5 and 6-6.6 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

8 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
9 Commission shall be of the following classes:

10 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
11 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
12 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
13 First Class Winemaker, Class 7. Second Class Winemaker, Class  
14 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
15 10. Class 1 Brewer, Class 11. Class 2 Brewer,

16 (b) Distributor's license,

- 1 (c) Importing Distributor's license,
- 2 (d) Retailer's license,
- 3 (e) Special Event Retailer's license (not-for-profit),
- 4 (f) Railroad license,
- 5 (g) Boat license,
- 6 (h) Non-Beverage User's license,
- 7 (i) Wine-maker's premises license,
- 8 (j) Airplane license,
- 9 (k) Foreign importer's license,
- 10 (l) Broker's license,
- 11 (m) Non-resident dealer's license,
- 12 (n) Brew Pub license,
- 13 (o) Auction liquor license,
- 14 (p) Caterer retailer license,
- 15 (q) Special use permit license,
- 16 (r) Winery shipper's license,
- 17 (s) Craft distiller tasting permit,
- 18 (t) Brewer warehouse permit.

19 No person, firm, partnership, corporation, or other legal  
20 business entity that is engaged in the manufacturing of wine  
21 may concurrently obtain and hold a wine-maker's license and a  
22 wine manufacturer's license.

23 (a) A manufacturer's license shall allow the manufacture,  
24 importation in bulk, storage, distribution and sale of  
25 alcoholic liquor to persons without the State, as may be  
26 permitted by law and to licensees in this State as follows:

1           Class 1. A Distiller may make sales and deliveries of  
2 alcoholic liquor to distillers, rectifiers, importing  
3 distributors, distributors and non-beverage users and to no  
4 other licensees.

5           Class 2. A Rectifier, who is not a distiller, as defined  
6 herein, may make sales and deliveries of alcoholic liquor to  
7 rectifiers, importing distributors, distributors, retailers  
8 and non-beverage users and to no other licensees.

9           Class 3. A Brewer may make sales and deliveries of beer to  
10 importing distributors and distributors and may make sales as  
11 authorized under subsection (e) of Section 6-4 of this Act.

12           Class 4. A first class wine-manufacturer may make sales and  
13 deliveries of up to 50,000 gallons of wine to manufacturers,  
14 importing distributors and distributors, and to no other  
15 licensees.

16           Class 5. A second class Wine manufacturer may make sales  
17 and deliveries of more than 50,000 gallons of wine to  
18 manufacturers, importing distributors and distributors and to  
19 no other licensees.

20           Class 6. A first-class wine-maker's license shall allow the  
21 manufacture of up to 50,000 gallons of wine per year, and the  
22 storage and sale of such wine to distributors in the State and  
23 to persons without the State, as may be permitted by law. A  
24 person who, prior to June 1, 2008 (the effective date of Public  
25 Act 95-634), is a holder of a first-class wine-maker's license  
26 and annually produces more than 25,000 gallons of its own wine

1 and who distributes its wine to licensed retailers shall cease  
2 this practice on or before July 1, 2008 in compliance with  
3 Public Act 95-634.

4 Class 7. A second-class wine-maker's license shall allow  
5 the manufacture of between 50,000 and 150,000 gallons of wine  
6 per year, and the storage and sale of such wine to distributors  
7 in this State and to persons without the State, as may be  
8 permitted by law. A person who, prior to June 1, 2008 (the  
9 effective date of Public Act 95-634), is a holder of a  
10 second-class wine-maker's license and annually produces more  
11 than 25,000 gallons of its own wine and who distributes its  
12 wine to licensed retailers shall cease this practice on or  
13 before July 1, 2008 in compliance with Public Act 95-634.

14 Class 8. A limited wine-manufacturer may make sales and  
15 deliveries not to exceed 40,000 gallons of wine per year to  
16 distributors, and to non-licensees in accordance with the  
17 provisions of this Act.

18 Class 9. A craft distiller license shall allow the  
19 manufacture of up to 100,000 gallons of spirits by distillation  
20 per year and the storage of such spirits. If a craft distiller  
21 licensee, including a craft distiller licensee who holds more  
22 than one craft distiller license, is not affiliated with any  
23 other manufacturer of spirits, then the craft distiller  
24 licensee may sell such spirits to distributors in this State  
25 and up to 2,500 gallons of such spirits to non-licensees to the  
26 extent permitted by any exemption approved by the Commission

1 pursuant to Section 6-4 of this Act. A craft distiller license  
2 holder may store such spirits at a non-contiguous licensed  
3 location, but at no time shall a craft distiller license holder  
4 directly or indirectly produce in the aggregate more than  
5 100,000 gallons of spirits per year.

6 A craft distiller licensee may hold more than one craft  
7 distiller's license. However, a craft distiller that holds more  
8 than one craft distiller license shall not manufacture, in the  
9 aggregate, more than 100,000 gallons of spirits by distillation  
10 per year and shall not sell, in the aggregate, more than 2,500  
11 gallons of such spirits to non-licensees in accordance with an  
12 exemption approved by the State Commission pursuant to Section  
13 6-4 of this Act.

14 Any craft distiller licensed under this Act who on July 28,  
15 2010 (the effective date of Public Act 96-1367) was licensed as  
16 a distiller and manufactured no more spirits than permitted by  
17 this Section shall not be required to pay the initial licensing  
18 fee.

19 Class 10. A class 1 brewer license, which may only be  
20 issued to a licensed brewer or licensed non-resident dealer,  
21 shall allow the manufacture of up to 930,000 gallons of beer  
22 per year provided that the class 1 brewer licensee does not  
23 manufacture more than a combined 930,000 gallons of beer per  
24 year and is not a member of or affiliated with, directly or  
25 indirectly, a manufacturer that produces more than 930,000  
26 gallons of beer per year or any other alcoholic liquor. A class

1 1 brewer licensee may make sales and deliveries to importing  
2 distributors and distributors and to retail licensees in  
3 accordance with the conditions set forth in paragraph (18) of  
4 subsection (a) of Section 3-12 of this Act. If the State  
5 Commission provides prior approval, a class 1 brewer may  
6 annually transfer up to 930,000 gallons of beer manufactured by  
7 that class 1 brewer to the premises of a licensed class 1  
8 brewer wholly owned and operated by the same licensee.

9 Class 11. A class 2 brewer license, which may only be  
10 issued to a licensed brewer or licensed non-resident dealer,  
11 shall allow the manufacture of up to 3,720,000 gallons of beer  
12 per year provided that the class 2 brewer licensee does not  
13 manufacture more than a combined 3,720,000 gallons of beer per  
14 year and is not a member of or affiliated with, directly or  
15 indirectly, a manufacturer that produces more than 3,720,000  
16 gallons of beer per year or any other alcoholic liquor. A class  
17 2 brewer licensee may make sales and deliveries to importing  
18 distributors and distributors, but shall not make sales or  
19 deliveries to any other licensee. If the State Commission  
20 provides prior approval, a class 2 brewer licensee may annually  
21 transfer up to 3,720,000 gallons of beer manufactured by that  
22 class 2 brewer licensee to the premises of a licensed class 2  
23 brewer wholly owned and operated by the same licensee.

24 A class 2 brewer may transfer beer to a brew pub wholly  
25 owned and operated by the class 2 brewer subject to the  
26 following limitations and restrictions: (i) the transfer shall

1 not annually exceed more than 31,000 gallons; (ii) the annual  
2 amount transferred shall reduce the brew pub's annual permitted  
3 production limit; (iii) all beer transferred shall be subject  
4 to Article VIII of this Act; (iv) a written record shall be  
5 maintained by the brewer and brew pub specifying the amount,  
6 date of delivery, and receipt of the product by the brew pub;  
7 and (v) the brew pub shall be located no farther than 80 miles  
8 from the class 2 brewer's licensed location.

9 A class 2 brewer shall, prior to transferring beer to a  
10 brew pub wholly owned by the class 2 brewer, furnish a written  
11 notice to the State Commission of intent to transfer beer  
12 setting forth the name and address of the brew pub and shall  
13 annually submit to the State Commission a verified report  
14 identifying the total gallons of beer transferred to the brew  
15 pub wholly owned by the class 2 brewer.

16 (a-1) A manufacturer which is licensed in this State to  
17 make sales or deliveries of alcoholic liquor to licensed  
18 distributors or importing distributors and which enlists  
19 agents, representatives, or individuals acting on its behalf  
20 who contact licensed retailers on a regular and continual basis  
21 in this State must register those agents, representatives, or  
22 persons acting on its behalf with the State Commission.

23 Registration of agents, representatives, or persons acting  
24 on behalf of a manufacturer is fulfilled by submitting a form  
25 to the Commission. The form shall be developed by the  
26 Commission and shall include the name and address of the

1 applicant, the name and address of the manufacturer he or she  
2 represents, the territory or areas assigned to sell to or  
3 discuss pricing terms of alcoholic liquor, and any other  
4 questions deemed appropriate and necessary. All statements in  
5 the forms required to be made by law or by rule shall be deemed  
6 material, and any person who knowingly misstates any material  
7 fact under oath in an application is guilty of a Class B  
8 misdemeanor. Fraud, misrepresentation, false statements,  
9 misleading statements, evasions, or suppression of material  
10 facts in the securing of a registration are grounds for  
11 suspension or revocation of the registration. The State  
12 Commission shall post a list of registered agents on the  
13 Commission's website.

14 (b) A distributor's license shall allow the wholesale  
15 purchase and storage of alcoholic liquors and sale of alcoholic  
16 liquors to licensees in this State and to persons without the  
17 State, as may be permitted by law, and the sale of beer, cider,  
18 or both beer and cider to brewers, class 1 brewers, and class 2  
19 brewers that, pursuant to subsection (e) of Section 6-4 of this  
20 Act, sell beer, cider, or both beer and cider to non-licensees  
21 at their breweries. No person licensed as a distributor shall  
22 be granted a non-resident dealer's license.

23 (c) An importing distributor's license may be issued to and  
24 held by those only who are duly licensed distributors, upon the  
25 filing of an application by a duly licensed distributor, with  
26 the Commission and the Commission shall, without the payment of



1 any fee, immediately issue such importing distributor's  
2 license to the applicant, which shall allow the importation of  
3 alcoholic liquor by the licensee into this State from any point  
4 in the United States outside this State, and the purchase of  
5 alcoholic liquor in barrels, casks or other bulk containers and  
6 the bottling of such alcoholic liquors before resale thereof,  
7 but all bottles or containers so filled shall be sealed,  
8 labeled, stamped and otherwise made to comply with all  
9 provisions, rules and regulations governing manufacturers in  
10 the preparation and bottling of alcoholic liquors. The  
11 importing distributor's license shall permit such licensee to  
12 purchase alcoholic liquor from Illinois licensed non-resident  
13 dealers and foreign importers only. No person licensed as an  
14 importing distributor shall be granted a non-resident dealer's  
15 license.

16 (d) A retailer's license shall allow the licensee to sell  
17 and offer for sale at retail, only in the premises specified in  
18 the license, alcoholic liquor for use or consumption, but not  
19 for resale in any form. Nothing in Public Act 95-634 shall  
20 deny, limit, remove, or restrict the ability of a holder of a  
21 retailer's license to transfer, deliver, or ship alcoholic  
22 liquor to the purchaser for use or consumption subject to any  
23 applicable local law or ordinance. Any retail license issued to  
24 a manufacturer shall only permit the manufacturer to sell beer  
25 at retail on the premises actually occupied by the  
26 manufacturer. For the purpose of further describing the type of

1 business conducted at a retail licensed premises, a retailer's  
2 licensee may be designated by the State Commission as (i) an on  
3 premise consumption retailer, (ii) an off premise sale  
4 retailer, or (iii) a combined on premise consumption and off  
5 premise sale retailer.

6 Notwithstanding any other provision of this subsection  
7 (d), a retail licensee may sell alcoholic liquors to a special  
8 event retailer licensee for resale to the extent permitted  
9 under subsection (e).

10 (e) A special event retailer's license (not-for-profit)  
11 shall permit the licensee to purchase alcoholic liquors from an  
12 Illinois licensed distributor (unless the licensee purchases  
13 less than \$500 of alcoholic liquors for the special event, in  
14 which case the licensee may purchase the alcoholic liquors from  
15 a licensed retailer) and shall allow the licensee to sell and  
16 offer for sale, at retail, alcoholic liquors for use or  
17 consumption, but not for resale in any form and only at the  
18 location and on the specific dates designated for the special  
19 event in the license. An applicant for a special event retailer  
20 license must (i) furnish with the application: (A) a resale  
21 number issued under Section 2c of the Retailers' Occupation Tax  
22 Act or evidence that the applicant is registered under Section  
23 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
24 exemption identification number issued under Section 1g of the  
25 Retailers' Occupation Tax Act, and a certification to the  
26 Commission that the purchase of alcoholic liquors will be a

1 tax-exempt purchase, or (C) a statement that the applicant is  
2 not registered under Section 2a of the Retailers' Occupation  
3 Tax Act, does not hold a resale number under Section 2c of the  
4 Retailers' Occupation Tax Act, and does not hold an exemption  
5 number under Section 1g of the Retailers' Occupation Tax Act,  
6 in which event the Commission shall set forth on the special  
7 event retailer's license a statement to that effect; (ii)  
8 submit with the application proof satisfactory to the State  
9 Commission that the applicant will provide dram shop liability  
10 insurance in the maximum limits; and (iii) show proof  
11 satisfactory to the State Commission that the applicant has  
12 obtained local authority approval.

13 Nothing in this Act prohibits an Illinois licensed  
14 distributor from offering credit or a refund for unused,  
15 salable alcoholic liquors to a holder of a special event  
16 retailer's license or ~~from~~ the special event retailer's  
17 licensee from accepting the credit or refund of alcoholic  
18 liquors at the conclusion of the event specified in the  
19 license.

20 (f) A railroad license shall permit the licensee to import  
21 alcoholic liquors into this State from any point in the United  
22 States outside this State and to store such alcoholic liquors  
23 in this State; to make wholesale purchases of alcoholic liquors  
24 directly from manufacturers, foreign importers, distributors  
25 and importing distributors from within or outside this State;  
26 and to store such alcoholic liquors in this State; provided

1 that the above powers may be exercised only in connection with  
2 the importation, purchase or storage of alcoholic liquors to be  
3 sold or dispensed on a club, buffet, lounge or dining car  
4 operated on an electric, gas or steam railway in this State;  
5 and provided further, that railroad licensees exercising the  
6 above powers shall be subject to all provisions of Article VIII  
7 of this Act as applied to importing distributors. A railroad  
8 license shall also permit the licensee to sell or dispense  
9 alcoholic liquors on any club, buffet, lounge or dining car  
10 operated on an electric, gas or steam railway regularly  
11 operated by a common carrier in this State, but shall not  
12 permit the sale for resale of any alcoholic liquors to any  
13 licensee within this State. A license shall be obtained for  
14 each car in which such sales are made.

15 (g) A boat license shall allow the sale of alcoholic liquor  
16 in individual drinks, on any passenger boat regularly operated  
17 as a common carrier on navigable waters in this State or on any  
18 riverboat operated under the Riverboat Gambling Act, which boat  
19 or riverboat maintains a public dining room or restaurant  
20 thereon.

21 (h) A non-beverage user's license shall allow the licensee  
22 to purchase alcoholic liquor from a licensed manufacturer or  
23 importing distributor, without the imposition of any tax upon  
24 the business of such licensed manufacturer or importing  
25 distributor as to such alcoholic liquor to be used by such  
26 licensee solely for the non-beverage purposes set forth in

1 subsection (a) of Section 8-1 of this Act, and such licenses  
 2 shall be divided and classified and shall permit the purchase,  
 3 possession and use of limited and stated quantities of  
 4 alcoholic liquor as follows:

- 5 Class 1, not to exceed ..... 500 gallons
- 6 Class 2, not to exceed ..... 1,000 gallons
- 7 Class 3, not to exceed ..... 5,000 gallons
- 8 Class 4, not to exceed ..... 10,000 gallons
- 9 Class 5, not to exceed ..... 50,000 gallons

10 (i) A wine-maker's premises license shall allow a licensee  
 11 that concurrently holds a first-class wine-maker's license to  
 12 sell and offer for sale at retail in the premises specified in  
 13 such license not more than 50,000 gallons of the first-class  
 14 wine-maker's wine that is made at the first-class wine-maker's  
 15 licensed premises per year for use or consumption, but not for  
 16 resale in any form. A wine-maker's premises license shall allow  
 17 a licensee who concurrently holds a second-class wine-maker's  
 18 license to sell and offer for sale at retail in the premises  
 19 specified in such license up to 100,000 gallons of the  
 20 second-class wine-maker's wine that is made at the second-class  
 21 wine-maker's licensed premises per year for use or consumption  
 22 but not for resale in any form. A wine-maker's premises license  
 23 shall allow a licensee that concurrently holds a first-class  
 24 wine-maker's license or a second-class wine-maker's license to  
 25 sell and offer for sale at retail at the premises specified in  
 26 the wine-maker's premises license, for use or consumption but

1 not for resale in any form, any beer, wine, and spirits  
2 purchased from a licensed distributor. Upon approval from the  
3 State Commission, a wine-maker's premises license shall allow  
4 the licensee to sell and offer for sale at (i) the wine-maker's  
5 licensed premises and (ii) at up to 2 additional locations for  
6 use and consumption and not for resale. Each location shall  
7 require additional licensing per location as specified in  
8 Section 5-3 of this Act. A wine-maker's premises licensee shall  
9 secure liquor liability insurance coverage in an amount at  
10 least equal to the maximum liability amounts set forth in  
11 subsection (a) of Section 6-21 of this Act.

12 (j) An airplane license shall permit the licensee to import  
13 alcoholic liquors into this State from any point in the United  
14 States outside this State and to store such alcoholic liquors  
15 in this State; to make wholesale purchases of alcoholic liquors  
16 directly from manufacturers, foreign importers, distributors  
17 and importing distributors from within or outside this State;  
18 and to store such alcoholic liquors in this State; provided  
19 that the above powers may be exercised only in connection with  
20 the importation, purchase or storage of alcoholic liquors to be  
21 sold or dispensed on an airplane; and provided further, that  
22 airplane licensees exercising the above powers shall be subject  
23 to all provisions of Article VIII of this Act as applied to  
24 importing distributors. An airplane licensee shall also permit  
25 the sale or dispensing of alcoholic liquors on any passenger  
26 airplane regularly operated by a common carrier in this State,

1 but shall not permit the sale for resale of any alcoholic  
2 liquors to any licensee within this State. A single airplane  
3 license shall be required of an airline company if liquor  
4 service is provided on board aircraft in this State. The annual  
5 fee for such license shall be as determined in Section 5-3.

6 (k) A foreign importer's license shall permit such licensee  
7 to purchase alcoholic liquor from Illinois licensed  
8 non-resident dealers only, and to import alcoholic liquor other  
9 than in bulk from any point outside the United States and to  
10 sell such alcoholic liquor to Illinois licensed importing  
11 distributors and to no one else in Illinois; provided that (i)  
12 the foreign importer registers with the State Commission every  
13 brand of alcoholic liquor that it proposes to sell to Illinois  
14 licensees during the license period, (ii) the foreign importer  
15 complies with all of the provisions of Section 6-9 of this Act  
16 with respect to registration of such Illinois licensees as may  
17 be granted the right to sell such brands at wholesale, and  
18 (iii) the foreign importer complies with the provisions of  
19 Sections 6-5 and 6-6 of this Act to the same extent that these  
20 provisions apply to manufacturers.

21 (l) (i) A broker's license shall be required of all persons  
22 who solicit orders for, offer to sell or offer to supply  
23 alcoholic liquor to retailers in the State of Illinois, or who  
24 offer to retailers to ship or cause to be shipped or to make  
25 contact with distillers, rectifiers, brewers or manufacturers  
26 or any other party within or without the State of Illinois in

1 order that alcoholic liquors be shipped to a distributor,  
2 importing distributor or foreign importer, whether such  
3 solicitation or offer is consummated within or without the  
4 State of Illinois.

5 No holder of a retailer's license issued by the Illinois  
6 Liquor Control Commission shall purchase or receive any  
7 alcoholic liquor, the order for which was solicited or offered  
8 for sale to such retailer by a broker unless the broker is the  
9 holder of a valid broker's license.

10 The broker shall, upon the acceptance by a retailer of the  
11 broker's solicitation of an order or offer to sell or supply or  
12 deliver or have delivered alcoholic liquors, promptly forward  
13 to the Illinois Liquor Control Commission a notification of  
14 said transaction in such form as the Commission may by  
15 regulations prescribe.

16 (ii) A broker's license shall be required of a person  
17 within this State, other than a retail licensee, who, for a fee  
18 or commission, promotes, solicits, or accepts orders for  
19 alcoholic liquor, for use or consumption and not for resale, to  
20 be shipped from this State and delivered to residents outside  
21 of this State by an express company, common carrier, or  
22 contract carrier. This Section does not apply to any person who  
23 promotes, solicits, or accepts orders for wine as specifically  
24 authorized in Section 6-29 of this Act.

25 A broker's license under this subsection (1) shall not  
26 entitle the holder to buy or sell any alcoholic liquors for his



1 own account or to take or deliver title to such alcoholic  
2 liquors.

3 This subsection (1) shall not apply to distributors,  
4 employees of distributors, or employees of a manufacturer who  
5 has registered the trademark, brand or name of the alcoholic  
6 liquor pursuant to Section 6-9 of this Act, and who regularly  
7 sells such alcoholic liquor in the State of Illinois only to  
8 its registrants thereunder.

9 Any agent, representative, or person subject to  
10 registration pursuant to subsection (a-1) of this Section shall  
11 not be eligible to receive a broker's license.

12 (m) A non-resident dealer's license shall permit such  
13 licensee to ship into and warehouse alcoholic liquor into this  
14 State from any point outside of this State, and to sell such  
15 alcoholic liquor to Illinois licensed foreign importers and  
16 importing distributors and to no one else in this State;  
17 provided that (i) said non-resident dealer shall register with  
18 the Illinois Liquor Control Commission each and every brand of  
19 alcoholic liquor which it proposes to sell to Illinois  
20 licensees during the license period, (ii) it shall comply with  
21 all of the provisions of Section 6-9 hereof with respect to  
22 registration of such Illinois licensees as may be granted the  
23 right to sell such brands at wholesale by duly filing such  
24 registration statement, thereby authorizing the non-resident  
25 dealer to proceed to sell such brands at wholesale, and (iii)  
26 the non-resident dealer shall comply with the provisions of

1 Sections 6-5 and 6-6 of this Act to the same extent that these  
2 provisions apply to manufacturers. No person licensed as a  
3 non-resident dealer shall be granted a distributor's or  
4 importing distributor's license.

5 (n) A brew pub license shall allow the licensee to only (i)  
6 manufacture up to 155,000 gallons of beer per year only on the  
7 premises specified in the license, (ii) make sales of the beer  
8 manufactured on the premises or, with the approval of the  
9 Commission, beer manufactured on another brew pub licensed  
10 premises that is wholly owned and operated by the same licensee  
11 to importing distributors, distributors, and to non-licensees  
12 for use and consumption, (iii) store the beer upon the  
13 premises, (iv) sell and offer for sale at retail from the  
14 licensed premises for off-premises consumption no more than  
15 155,000 gallons per year so long as such sales are only made  
16 in-person, (v) sell and offer for sale at retail for use and  
17 consumption on the premises specified in the license any form  
18 of alcoholic liquor purchased from a licensed distributor or  
19 importing distributor, and (vi) with the prior approval of the  
20 Commission, annually transfer no more than 155,000 gallons of  
21 beer manufactured on the premises to a licensed brew pub wholly  
22 owned and operated by the same licensee.

23 A brew pub licensee shall not under any circumstance sell  
24 or offer for sale beer manufactured by the brew pub licensee to  
25 retail licensees.

26 A person who holds a class 2 brewer license may

1 simultaneously hold a brew pub license if the class 2 brewer  
2 (i) does not, under any circumstance, sell or offer for sale  
3 beer manufactured by the class 2 brewer to retail licensees;  
4 (ii) does not hold more than 3 brew pub licenses in this State;  
5 (iii) does not manufacture more than a combined 3,720,000  
6 gallons of beer per year, including the beer manufactured at  
7 the brew pub; and (iv) is not a member of or affiliated with,  
8 directly or indirectly, a manufacturer that produces more than  
9 3,720,000 gallons of beer per year or any other alcoholic  
10 liquor.

11 Notwithstanding any other provision of this Act, a licensed  
12 brewer, class 2 brewer, or non-resident dealer who before July  
13 1, 2015 manufactured less than 3,720,000 gallons of beer per  
14 year and held a brew pub license on or before July 1, 2015 may  
15 (i) continue to qualify for and hold that brew pub license for  
16 the licensed premises and (ii) manufacture more than 3,720,000  
17 gallons of beer per year and continue to qualify for and hold  
18 that brew pub license if that brewer, class 2 brewer, or  
19 non-resident dealer does not simultaneously hold a class 1  
20 brewer license and is not a member of or affiliated with,  
21 directly or indirectly, a manufacturer that produces more than  
22 3,720,000 gallons of beer per year or that produces any other  
23 alcoholic liquor.

24 (o) A caterer retailer license shall allow the holder to  
25 serve alcoholic liquors as an incidental part of a food service  
26 that serves prepared meals which excludes the serving of snacks

1 as the primary meal, either on or off-site whether licensed or  
2 unlicensed. A caterer retailer license shall allow the holder,  
3 a distributor, or an importing distributor to transfer any  
4 inventory to and from the holder's retail premises and shall  
5 allow the holder to purchase alcoholic liquor from a  
6 distributor or importing distributor to be delivered directly  
7 to an off-site event.

8 Nothing in this Act prohibits a distributor or importing  
9 distributor from offering credit or a refund for unused,  
10 salable beer to a holder of a caterer retailer license or a  
11 caterer retailer licensee from accepting a credit or refund for  
12 unused, salable beer, in the event an act of God is the sole  
13 reason an off-site event is cancelled and if: (i) the holder of  
14 a caterer retailer license has not transferred alcoholic liquor  
15 from its caterer retailer premises to an off-site location;  
16 (ii) the distributor or importing distributor offers the credit  
17 or refund for the unused, salable beer that it delivered to the  
18 off-site premises and not for any unused, salable beer that the  
19 distributor or importing distributor delivered to the caterer  
20 retailer's premises; and (iii) the unused, salable beer would  
21 likely spoil if transferred to the caterer retailer's premises.  
22 A caterer retailer license shall allow the holder to transfer  
23 any inventory from any off-site location to its caterer  
24 retailer premises at the conclusion of an off-site event or  
25 engage a distributor or importing distributor to transfer any  
26 inventory from any off-site location to its caterer retailer

1 premises at the conclusion of an off-site event, provided that  
2 the distributor or importing distributor issues bona fide  
3 charges to the caterer retailer licensee for fuel, labor, and  
4 delivery and the distributor or importing distributor collects  
5 payment from the caterer retailer licensee prior to the  
6 distributor or importing distributor transferring inventory to  
7 the caterer retailer premises.

8 For purposes of this subsection (o), an "act of God" means  
9 an unforeseeable event, such as a rain or snow storm, hail, a  
10 flood, or a similar event, that is the sole cause of the  
11 cancellation of an off-site, outdoor event.

12 (p) An auction liquor license shall allow the licensee to  
13 sell and offer for sale at auction wine and spirits for use or  
14 consumption, or for resale by an Illinois liquor licensee in  
15 accordance with provisions of this Act. An auction liquor  
16 license will be issued to a person and it will permit the  
17 auction liquor licensee to hold the auction anywhere in the  
18 State. An auction liquor license must be obtained for each  
19 auction at least 14 days in advance of the auction date.

20 (q) A special use permit license shall allow an Illinois  
21 licensed retailer to transfer a portion of its alcoholic liquor  
22 inventory from its retail licensed premises to the premises  
23 specified in the license hereby created; to purchase alcoholic  
24 liquor from a distributor or importing distributor to be  
25 delivered directly to the location specified in the license  
26 hereby created; and to sell or offer for sale at retail, only

1 in the premises specified in the license hereby created, the  
2 transferred or delivered alcoholic liquor for use or  
3 consumption, but not for resale in any form. A special use  
4 permit license may be granted for the following time periods:  
5 one day or less; 2 or more days to a maximum of 15 days per  
6 location in any 12-month period. An applicant for the special  
7 use permit license must also submit with the application proof  
8 satisfactory to the State Commission that the applicant will  
9 provide dram shop liability insurance to the maximum limits and  
10 have local authority approval.

11 A special use permit license shall allow the holder to  
12 transfer any inventory from the holder's special use premises  
13 to its retail premises at the conclusion of the special use  
14 event or engage a distributor or importing distributor to  
15 transfer any inventory from the holder's special use premises  
16 to its retail premises at the conclusion of an off-site event,  
17 provided that the distributor or importing distributor issues  
18 bona fide charges to the special use permit licensee for fuel,  
19 labor, and delivery and the distributor or importing  
20 distributor collects payment from the retail licensee prior to  
21 the distributor or importing distributor transferring  
22 inventory to the retail premises.

23 Nothing in this Act prohibits a distributor or importing  
24 distributor from offering credit or a refund for unused,  
25 salable beer to a special use permit licensee or a special use  
26 permit licensee from accepting a credit or refund for unused,

1 salable beer at the conclusion of the event specified in the  
2 license if: (i) the holder of the special use permit license  
3 has not transferred alcoholic liquor from its retail licensed  
4 premises to the premises specified in the special use permit  
5 license; (ii) the distributor or importing distributor offers  
6 the credit or refund for the unused, salable beer that it  
7 delivered to the premises specified in the special use permit  
8 license and not for any unused, salable beer that the  
9 distributor or importing distributor delivered to the  
10 retailer's premises; and (iii) the unused, salable beer would  
11 likely spoil if transferred to the retailer premises.

12 (r) A winery shipper's license shall allow a person with a  
13 first-class or second-class wine manufacturer's license, a  
14 first-class or second-class wine-maker's license, or a limited  
15 wine manufacturer's license or who is licensed to make wine  
16 under the laws of another state to ship wine made by that  
17 licensee directly to a resident of this State who is 21 years  
18 of age or older for that resident's personal use and not for  
19 resale. Prior to receiving a winery shipper's license, an  
20 applicant for the license must provide the Commission with a  
21 true copy of its current license in any state in which it is  
22 licensed as a manufacturer of wine. An applicant for a winery  
23 shipper's license must also complete an application form that  
24 provides any other information the Commission deems necessary.  
25 The application form shall include all addresses from which the  
26 applicant for a winery shipper's license intends to ship wine,

1 including the name and address of any third party, except for a  
2 common carrier, authorized to ship wine on behalf of the  
3 manufacturer. The application form shall include an  
4 acknowledgement consenting to the jurisdiction of the  
5 Commission, the Illinois Department of Revenue, and the courts  
6 of this State concerning the enforcement of this Act and any  
7 related laws, rules, and regulations, including authorizing  
8 the Department of Revenue and the Commission to conduct audits  
9 for the purpose of ensuring compliance with Public Act 95-634,  
10 and an acknowledgement that the wine manufacturer is in  
11 compliance with Section 6-2 of this Act. Any third party,  
12 except for a common carrier, authorized to ship wine on behalf  
13 of a first-class or second-class wine manufacturer's licensee,  
14 a first-class or second-class wine-maker's licensee, a limited  
15 wine manufacturer's licensee, or a person who is licensed to  
16 make wine under the laws of another state shall also be  
17 disclosed by the winery shipper's licensee, and a copy of the  
18 written appointment of the third-party wine provider, except  
19 for a common carrier, to the wine manufacturer shall be filed  
20 with the State Commission as a supplement to the winery  
21 shipper's license application or any renewal thereof. The  
22 winery shipper's license holder shall affirm under penalty of  
23 perjury, as part of the winery shipper's license application or  
24 renewal, that he or she only ships wine, either directly or  
25 indirectly through a third-party provider, from the licensee's  
26 own production.



1           Except for a common carrier, a third-party provider  
2 shipping wine on behalf of a winery shipper's license holder is  
3 the agent of the winery shipper's license holder and, as such,  
4 a winery shipper's license holder is responsible for the acts  
5 and omissions of the third-party provider acting on behalf of  
6 the license holder. A third-party provider, except for a common  
7 carrier, that engages in shipping wine into Illinois on behalf  
8 of a winery shipper's license holder shall consent to the  
9 jurisdiction of the State Commission and the State. Any  
10 third-party, except for a common carrier, holding such an  
11 appointment shall, by February 1 of each calendar year and upon  
12 request by the State Commission or the Department of Revenue,  
13 file with the State Commission a statement detailing each  
14 shipment made to an Illinois resident. The statement shall  
15 include the name and address of the third-party provider filing  
16 the statement, the time period covered by the statement, and  
17 the following information:

18           (1) the name, address, and license number of the winery  
19           shipper on whose behalf the shipment was made;

20           (2) the quantity of the products delivered; and

21           (3) the date and address of the shipment.

22           If the Department of Revenue or the State Commission requests a  
23 statement under this paragraph, the third-party provider must  
24 provide that statement no later than 30 days after the request  
25 is made. Any books, records, supporting papers, and documents  
26 containing information and data relating to a statement under

1 this paragraph shall be kept and preserved for a period of 3  
2 years, unless their destruction sooner is authorized, in  
3 writing, by the Director of Revenue, and shall be open and  
4 available to inspection by the Director of Revenue or the State  
5 Commission or any duly authorized officer, agent, or employee  
6 of the State Commission or the Department of Revenue, at all  
7 times during business hours of the day. Any person who violates  
8 any provision of this paragraph or any rule of the State  
9 Commission for the administration and enforcement of the  
10 provisions of this paragraph is guilty of a Class C  
11 misdemeanor. In case of a continuing violation, each day's  
12 continuance thereof shall be a separate and distinct offense.

13 The State Commission shall adopt rules as soon as  
14 practicable to implement the requirements of Public Act 99-904  
15 and shall adopt rules prohibiting any such third-party  
16 appointment of a third-party provider, except for a common  
17 carrier, that has been deemed by the State Commission to have  
18 violated the provisions of this Act with regard to any winery  
19 shipper licensee.

20 A winery shipper licensee must pay to the Department of  
21 Revenue the State liquor gallonage tax under Section 8-1 for  
22 all wine that is sold by the licensee and shipped to a person  
23 in this State. For the purposes of Section 8-1, a winery  
24 shipper licensee shall be taxed in the same manner as a  
25 manufacturer of wine. A licensee who is not otherwise required  
26 to register under the Retailers' Occupation Tax Act must

1 register under the Use Tax Act to collect and remit use tax to  
2 the Department of Revenue for all gallons of wine that are sold  
3 by the licensee and shipped to persons in this State. If a  
4 licensee fails to remit the tax imposed under this Act in  
5 accordance with the provisions of Article VIII of this Act, the  
6 winery shipper's license shall be revoked in accordance with  
7 the provisions of Article VII of this Act. If a licensee fails  
8 to properly register and remit tax under the Use Tax Act or the  
9 Retailers' Occupation Tax Act for all wine that is sold by the  
10 winery shipper and shipped to persons in this State, the winery  
11 shipper's license shall be revoked in accordance with the  
12 provisions of Article VII of this Act.

13 A winery shipper licensee must collect, maintain, and  
14 submit to the Commission on a semi-annual basis the total  
15 number of cases per resident of wine shipped to residents of  
16 this State. A winery shipper licensed under this subsection (r)  
17 must comply with the requirements of Section 6-29 of this Act.

18 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of  
19 Section 3-12, the State Commission may receive, respond to, and  
20 investigate any complaint and impose any of the remedies  
21 specified in paragraph (1) of subsection (a) of Section 3-12.

22 As used in this subsection, "third-party provider" means  
23 any entity that provides fulfillment house services, including  
24 warehousing, packaging, distribution, order processing, or  
25 shipment of wine, but not the sale of wine, on behalf of a  
26 licensed winery shipper.

1 (s) A craft distiller tasting permit license shall allow an  
2 Illinois licensed craft distiller to transfer a portion of its  
3 alcoholic liquor inventory from its craft distiller licensed  
4 premises to the premises specified in the license hereby  
5 created and to conduct a sampling, only in the premises  
6 specified in the license hereby created, of the transferred  
7 alcoholic liquor in accordance with subsection (c) of Section  
8 6-31 of this Act. The transferred alcoholic liquor may not be  
9 sold or resold in any form. An applicant for the craft  
10 distiller tasting permit license must also submit with the  
11 application proof satisfactory to the State Commission that the  
12 applicant will provide dram shop liability insurance to the  
13 maximum limits and have local authority approval.

14 A brewer warehouse permit may be issued to the holder of a  
15 class 1 brewer license or a class 2 brewer license. If the  
16 holder of the permit is a class 1 brewer licensee, the brewer  
17 warehouse permit shall allow the holder to store or warehouse  
18 up to 930,000 gallons of tax-determined beer manufactured by  
19 the holder of the permit at the premises specified on the  
20 permit. If the holder of the permit is a class 2 brewer  
21 licensee, the brewer warehouse permit shall allow the holder to  
22 store or warehouse up to 3,720,000 gallons of tax-determined  
23 beer manufactured by the holder of the permit at the premises  
24 specified on the permit. Sales to non-licensees are prohibited  
25 at the premises specified in the brewer warehouse permit.

26 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;

1 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.  
2 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,  
3 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;  
4 revised 10-2-18.)

5 (235 ILCS 5/6-5.5 new)

6 Sec. 6-5.5. Consignment sales prohibited; retailer  
7 returns.

8 (a) In this Section, "retailer" means a retailer, special  
9 event retailer, special use permit licensee, caterer retailer,  
10 or brew pub.

11 (b) It is unlawful for a manufacturer with  
12 self-distribution privileges, importing distributor, or  
13 distributor to sell, offer for sale, or contract to sell to any  
14 retailer, or for any such retailer to purchase, offer to  
15 purchase, or contract to purchase any products:

16 (1) on consignment or conditional sale, pursuant to  
17 which the retailer has no obligation to pay for the product  
18 until sold;

19 (2) with the privilege of return unless expressly  
20 authorized in this Act;

21 (3) on any basis other than a bona fide sale; or

22 (4) if any part of the sale involves, directly or  
23 indirectly, the acquisition by the retailer of other  
24 products from a manufacturer with self-distribution  
25 privileges, importing distributor, or distributor, or an

1 agreement to acquire other products from the manufacturer  
2 with self-distribution privileges, importing distributor,  
3 or distributor.

4 (c) Transactions involving the bona fide return of products  
5 for ordinary and usual commercial reasons arising after the  
6 product has been sold are not prohibited.

7 (d) Unless there is a bona fide business reason for  
8 replacement of an alcoholic liquor product when delivered, the  
9 alcoholic liquor product may not be replaced free of charge to  
10 a retailer. Replacement of an alcoholic liquor product damaged  
11 while in a retailer's possession constitutes the providing of  
12 something of value and is a violation of Sections 6-4, 6-5, and  
13 6-6 of this Act. A manufacturer with self-distribution  
14 privileges, importing distributor, or distributor is not  
15 required to accept the return of products for the reasons  
16 stated in items (1) through (7) of subsection (f).

17 (1) A manufacturer with self-distribution privileges,  
18 importing distributor, or distributor may not accept the  
19 return of alcoholic liquor products as breakage if the  
20 product was damaged after delivery and while in the  
21 possession of the retailer. The manufacturer with  
22 self-distribution privileges, importing distributor, or  
23 distributor may replace damaged cartons, packaging, or  
24 carrying containers of alcoholic liquor at any time.

25 (2) Alcoholic liquor products or other compensation  
26 shall not be furnished to a retailer for product breakage

1       that occurs as a result of handling by the retailer or its  
2       agents, employees, or customers.

3       (3) If an alcoholic liquor product has been damaged  
4       prior to or at the time of actual delivery, the product may  
5       only be exchanged for an equal quantity of identical  
6       product or returned for credit. If an identical product is  
7       unavailable, a similar type of product, including a  
8       similarly priced product, may be exchanged.

9       (4) If an alcoholic liquor product has been damaged  
10      prior to or at the time of actual delivery, the product may  
11      be exchanged no later than 15 days after delivery under the  
12      following conditions:

13           (A) If the pre-delivery damage is visible at the  
14           time of delivery, the retailer must identify the  
15           damaged product immediately.

16           (B) If the damage is latent and not visible at the  
17           time of delivery, the retailer must notify the  
18           manufacturer with self-distribution privileges,  
19           importing distributor, or distributor of the  
20           pre-delivery damage within 15 days after delivery, or  
21           the date of invoice, whichever is later.

22       (e) It is unlawful to sell, offer to sell, or contract to  
23       sell alcoholic liquor products with the privilege of return for  
24       any reason, other than those considered to be ordinary and  
25       usual commercial reasons, arising after the product has been  
26       sold. A manufacturer with self-distribution privileges,

1 importing distributor, or distributor is under no obligation to  
2 accept a return or make an exchange for any product. A  
3 manufacturer with self-distribution privileges, importing  
4 distributor, or distributor that elects to make an authorized  
5 exchange of a product or return of a product for cash or credit  
6 does so at its sole discretion and must maintain proper books  
7 and records of the transaction in accordance with 11 Ill. Adm.  
8 Code 100.130.

9 (f) Ordinary and usual commercial reasons for the return of  
10 alcoholic liquor products are limited to the following:

11 (1) Defective products. Products that are unmarketable  
12 because of product deterioration, leaking containers,  
13 damaged labels, or missing or mutilated tamper evident  
14 closures may be exchanged for an equal quantity of  
15 identical or similar products, including similarly priced  
16 products, or credit against outstanding indebtedness.

17 (2) Error in products delivered. Any discrepancy  
18 between products ordered and products delivered may be  
19 corrected, within 15 days after the date of delivery or  
20 date of invoice, whichever is later, by exchange of the  
21 products delivered for those that were ordered or by a  
22 return for credit against outstanding indebtedness.

23 (3) Products that may no longer be lawfully sold.  
24 Products that may no longer be lawfully sold may be  
25 returned for credit against outstanding indebtedness. This  
26 includes situations in which, due to a change in regulation



1 or administrative procedure over which a retailer has no  
2 control, a particular size or brand is no longer permitted  
3 to be sold.

4 (4) Termination of business. Products on hand at the  
5 time a retailer terminates operations may be returned for  
6 cash or credit against outstanding indebtedness. This does  
7 not include a temporary seasonal shutdown.

8 (5) Change in products. A retailer's inventory of a  
9 product that has been changed in formula, proof, label, or  
10 container may be exchanged for equal quantities of the new  
11 version of that product.

12 (6) Discontinued products. If a manufacturer,  
13 non-resident dealer, foreign importer, or importing  
14 distributor discontinues the production or importation of  
15 a product, a retailer may return its inventory of that  
16 product for cash or credit against outstanding  
17 indebtedness.

18 (7) Seasonal dealers. Manufacturers with  
19 self-distribution privileges, importing distributors, or  
20 distributors may accept the return of product from  
21 retailers who are only open a portion of the year if the  
22 products are likely to spoil during the off-season. These  
23 returns shall be for cash or credit against outstanding  
24 indebtedness.

25 (g) Without limitation, the following are not considered  
26 ordinary and commercial reasons to justify a return of an

1 alcoholic liquor product:

2 (1) Overstocked and slow-moving alcoholic liquor  
3 products. The return or exchange of a product because it is  
4 overstocked or slow moving does not constitute a return for  
5 ordinary and usual commercial reasons.

6 (2) Seasonal alcoholic liquor products. The return for  
7 cash or credit or exchange of wine or spirits for which  
8 there is only a limited or seasonal demand, such as holiday  
9 decanters and certain distinctive bottles, does not  
10 constitute a return for ordinary and usual commercial  
11 reasons. Nothing in this item (2) prohibits the exchange of  
12 seasonal beer products for similarly priced beer products.

13 (h) Nothing in this Section prohibits a manufacturer with  
14 self-distribution privileges, importing distributor, or  
15 distributor from accepting the return of beer from a retailer  
16 if the beer is near or beyond its freshness date, code date,  
17 pull date, or other similar date marking the deterioration or  
18 freshness of the beer if:

19 (1) the brewer has policies and procedures in place  
20 that specify the date the retailer must pull the product;

21 (2) the brewer's freshness return or exchange policies  
22 and procedures are readily verifiable and consistently  
23 followed by the brewer; and

24 (3) the container has identifying markings that  
25 correspond with this date.

26 Returns under this subsection may be accepted in return for

1 credit against indebtedness or equal amounts of the same or  
2 similar beer, including a similarly priced product.

3 For purposes of this Section, beer is near code on any date  
4 on or before the freshness or code date not to exceed 30 days  
5 prior to the freshness or code date. If near-code beer is  
6 returned, a manufacturer with self-distribution privileges,  
7 importing distributor, or distributor may sell near-code beer  
8 to another retailer who may reasonably sell the beer on or  
9 before the expiration of the freshness or code date. No beer  
10 shall be returned as near-code prior to 30 days of the  
11 freshness or code date.

12 It is a violation of this Section for a retailer to hold  
13 beer for the purpose of returning beer as out of code.

14 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

15 Sec. 6-6. Except as otherwise provided in this Act no  
16 manufacturer or distributor or importing distributor shall,  
17 directly or indirectly, sell, supply, furnish, give or pay for,  
18 or loan or lease, any furnishing, fixture or equipment on the  
19 premises of a place of business of another licensee authorized  
20 under this Act to sell alcoholic liquor at retail, either for  
21 consumption on or off the premises, nor shall he or she,  
22 directly or indirectly, pay for any such license, or advance,  
23 furnish, lend or give money for payment of such license, or  
24 purchase or become the owner of any note, mortgage, or other  
25 evidence of indebtedness of such licensee or any form of

1 security therefor, nor shall such manufacturer, or  
2 distributor, or importing distributor, directly or indirectly,  
3 be interested in the ownership, conduct or operation of the  
4 business of any licensee authorized to sell alcoholic liquor at  
5 retail, nor shall any manufacturer, or distributor, or  
6 importing distributor be interested directly or indirectly or  
7 as owner or part owner of said premises or as lessee or lessor  
8 thereof, in any premises upon which alcoholic liquor is sold at  
9 retail.

10 No manufacturer or distributor or importing distributor  
11 shall, directly or indirectly or through a subsidiary or  
12 affiliate, or by any officer, director or firm of such  
13 manufacturer, distributor or importing distributor, furnish,  
14 give, lend or rent, install, repair or maintain, to or for any  
15 retail licensee in this State, any signs or inside advertising  
16 materials except as provided in this Section and Section 6-5.  
17 With respect to retail licensees, other than any government  
18 owned or operated auditorium, exhibition hall, recreation  
19 facility or other similar facility holding a retailer's license  
20 as described in Section 6-5, a manufacturer, distributor, or  
21 importing distributor may furnish, give, lend or rent and  
22 erect, install, repair and maintain to or for any retail  
23 licensee, for use at any one time in or about or in connection  
24 with a retail establishment on which the products of the  
25 manufacturer, distributor or importing distributor are sold,  
26 the following signs and inside advertising materials as

1 authorized in subparts (i), (ii), (iii), and (iv):

2 (i) Permanent outside signs shall cost not more than  
3 \$3,000 per brand ~~manufacturer~~, exclusive of erection,  
4 installation, repair and maintenance costs, and permit  
5 fees and shall bear only the manufacturer's name, brand  
6 name, trade name, slogans, markings, trademark, or other  
7 symbols commonly associated with and generally used in  
8 identifying the product including, but not limited to,  
9 "cold beer", "on tap", "carry out", and "packaged liquor".

10 (ii) Temporary outside signs shall include, but not be  
11 limited to, banners, flags, pennants, streamers, and other  
12 items of a temporary and non-permanent nature, and shall  
13 cost not more than \$1,000 per manufacturer. Each temporary  
14 outside sign must include the manufacturer's name, brand  
15 name, trade name, slogans, markings, trademark, or other  
16 symbol commonly associated with and generally used in  
17 identifying the product. Temporary outside signs may also  
18 include, for example, the product, price, packaging, date  
19 or dates of a promotion and an announcement of a retail  
20 licensee's specific sponsored event, if the temporary  
21 outside sign is intended to promote a product, and provided  
22 that the announcement of the retail licensee's event and  
23 the product promotion are held simultaneously. However,  
24 temporary outside signs may not include names, slogans,  
25 markings, or logos that relate to the retailer. Nothing in  
26 this subpart (ii) shall prohibit a distributor or importing

1 distributor from bearing the cost of creating or printing a  
2 temporary outside sign for the retail licensee's specific  
3 sponsored event or from bearing the cost of creating or  
4 printing a temporary sign for a retail licensee containing,  
5 for example, community goodwill expressions, regional  
6 sporting event announcements, or seasonal messages,  
7 provided that the primary purpose of the temporary outside  
8 sign is to highlight, promote, or advertise the product. In  
9 addition, temporary outside signs provided by the  
10 manufacturer to the distributor or importing distributor  
11 may also include, for example, subject to the limitations  
12 of this Section, preprinted community goodwill  
13 expressions, sporting event announcements, seasonal  
14 messages, and manufacturer promotional announcements.  
15 However, a distributor or importing distributor shall not  
16 bear the cost of such manufacturer preprinted signs.

17 (iii) Permanent inside signs, whether visible from the  
18 outside or the inside of the premises, include, but are not  
19 limited to: alcohol lists and menus that may include names,  
20 slogans, markings, or logos that relate to the retailer;  
21 neons; illuminated signs; clocks; table lamps; mirrors;  
22 tap handles; decalcomanias; window painting; and window  
23 trim. All neons, illuminated signs, clocks, table lamps,  
24 mirrors, and tap handles are the property of the  
25 manufacturer and shall be returned to the manufacturer or  
26 its agent upon request. All permanent inside signs in place

1 and in use at any one time shall cost in the aggregate not  
2 more than \$6,000 per manufacturer. A permanent inside sign  
3 must include the manufacturer's name, brand name, trade  
4 name, slogans, markings, trademark, or other symbol  
5 commonly associated with and generally used in identifying  
6 the product. However, permanent inside signs may not  
7 include names, slogans, markings, or logos that relate to  
8 the retailer. For the purpose of this subpart (iii), all  
9 permanent inside signs may be displayed in an adjacent  
10 courtyard or patio commonly referred to as a "beer garden"  
11 that is a part of the retailer's licensed premises.

12 (iv) Temporary inside signs shall include, but are not  
13 limited to, lighted chalk boards, acrylic table tent  
14 beverage or hors d'oeuvre list holders, banners, flags,  
15 pennants, streamers, and inside advertising materials such  
16 as posters, placards, bowling sheets, table tents, inserts  
17 for acrylic table tent beverage or hors d'oeuvre list  
18 holders, sports schedules, or similar printed or  
19 illustrated materials and product displays, such as  
20 display racks, bins, barrels, or similar items, the primary  
21 function of which is to temporarily hold and display  
22 alcoholic beverages; however, such items, for example, as  
23 coasters, trays, napkins, glassware and cups shall not be  
24 deemed to be inside signs or advertising materials and may  
25 only be sold to retailers at fair market value, which shall  
26 be no less than the cost of the item to the manufacturer,

1 distributor, or importing distributor. All temporary  
2 inside signs and inside advertising materials in place and  
3 in use at any one time shall cost in the aggregate not more  
4 than \$1,000 per manufacturer. Nothing in this subpart (iv)  
5 prohibits a distributor or importing distributor from  
6 paying the cost of printing or creating any temporary  
7 inside banner or inserts for acrylic table tent beverage or  
8 hors d'oeuvre list holders for a retail licensee, provided  
9 that the primary purpose for the banner or insert is to  
10 highlight, promote, or advertise the product. For the  
11 purpose of this subpart (iv), all temporary inside signs  
12 and inside advertising materials may be displayed in an  
13 adjacent courtyard or patio commonly referred to as a "beer  
14 garden" that is a part of the retailer's licensed premises.

15 The restrictions contained in this Section 6-6 do not apply  
16 to signs, or promotional or advertising materials furnished by  
17 manufacturers, distributors or importing distributors to a  
18 government owned or operated facility holding a retailer's  
19 license as described in Section 6-5.

20 No distributor or importing distributor shall directly or  
21 indirectly or through a subsidiary or affiliate, or by any  
22 officer, director or firm of such manufacturer, distributor or  
23 importing distributor, furnish, give, lend or rent, install,  
24 repair or maintain, to or for any retail licensee in this  
25 State, any signs or inside advertising materials described in  
26 subparts (i), (ii), (iii), or (iv) of this Section except as



1 the agent for or on behalf of a manufacturer, provided that the  
2 total cost of any signs and inside advertising materials  
3 including but not limited to labor, erection, installation and  
4 permit fees shall be paid by the manufacturer whose product or  
5 products said signs and inside advertising materials advertise  
6 and except as follows:

7 A distributor or importing distributor may purchase from or  
8 enter into a written agreement with a manufacturer or a  
9 manufacturer's designated supplier and such manufacturer or  
10 the manufacturer's designated supplier may sell or enter into  
11 an agreement to sell to a distributor or importing distributor  
12 permitted signs and advertising materials described in  
13 subparts (ii), (iii), or (iv) of this Section for the purpose  
14 of furnishing, giving, lending, renting, installing,  
15 repairing, or maintaining such signs or advertising materials  
16 to or for any retail licensee in this State. Any purchase by a  
17 distributor or importing distributor from a manufacturer or a  
18 manufacturer's designated supplier shall be voluntary and the  
19 manufacturer may not require the distributor or the importing  
20 distributor to purchase signs or advertising materials from the  
21 manufacturer or the manufacturer's designated supplier.

22 A distributor or importing distributor shall be deemed the  
23 owner of such signs or advertising materials purchased from a  
24 manufacturer or a manufacturer's designated supplier.

25 The provisions of Public Act 90-373 concerning signs or  
26 advertising materials delivered by a manufacturer to a

1 distributor or importing distributor shall apply only to signs  
2 or advertising materials delivered on or after August 14, 1997.

3 A manufacturer, distributor, or importing distributor may  
4 furnish free social media advertising to a retail licensee if  
5 the social media advertisement does not contain the retail  
6 price of any alcoholic liquor and the social media  
7 advertisement complies with any applicable rules or  
8 regulations issued by the Alcohol and Tobacco Tax and Trade  
9 Bureau of the United States Department of the Treasury. A  
10 manufacturer, distributor, or importing distributor may list  
11 the names of one or more unaffiliated retailers in the  
12 advertisement of alcoholic liquor through social media.  
13 Nothing in this Section shall prohibit a retailer from  
14 communicating with a manufacturer, distributor, or importing  
15 distributor on social media or sharing media on the social  
16 media of a manufacturer, distributor, or importing  
17 distributor. A retailer may request free social media  
18 advertising from a manufacturer, distributor, or importing  
19 distributor. Nothing in this Section shall prohibit a  
20 manufacturer, distributor, or importing distributor from  
21 sharing, reposting, or otherwise forwarding a social media post  
22 by a retail licensee, so long as the sharing, reposting, or  
23 forwarding of the social media post does not contain the retail  
24 price of any alcoholic liquor. No manufacturer, distributor, or  
25 importing distributor shall pay or reimburse a retailer,  
26 directly or indirectly, for any social media advertising

1 services, except as specifically permitted in this Act. No  
2 retailer shall accept any payment or reimbursement, directly or  
3 indirectly, for any social media advertising services offered  
4 by a manufacturer, distributor, or importing distributor,  
5 except as specifically permitted in this Act. For the purposes  
6 of this Section, "social media" means a service, platform, or  
7 site where users communicate with one another and share media,  
8 such as pictures, videos, music, and blogs, with other users  
9 free of charge.

10 No person engaged in the business of manufacturing,  
11 importing or distributing alcoholic liquors shall, directly or  
12 indirectly, pay for, or advance, furnish, or lend money for the  
13 payment of any license for another. Any licensee who shall  
14 permit or assent, or be a party in any way to any violation or  
15 infringement of the provisions of this Section shall be deemed  
16 guilty of a violation of this Act, and any money loaned  
17 contrary to a provision of this Act shall not be recovered  
18 back, or any note, mortgage or other evidence of indebtedness,  
19 or security, or any lease or contract obtained or made contrary  
20 to this Act shall be unenforceable and void.

21 This Section shall not apply to airplane licensees  
22 exercising powers provided in paragraph (i) of Section 5-1 of  
23 this Act.

24 (Source: P.A. 99-448, eff. 8-24-15; 100-885, eff. 8-14-18.)

1           Sec. 6-6.5. Sanitation. A manufacturer, distributor, or  
2 importing distributor may sell coil cleaning services to a  
3 retail licensee at fair market cost.

4           A manufacturer, distributor, or importing distributor may  
5 sell dispensing accessories to retail licensees at a price not  
6 less than the cost to the manufacturer, distributor, or  
7 importing distributor who initially purchased them. Dispensing  
8 accessories include, but are not limited to, items such as  
9 standards, faucets, cold plates, rods, vents, taps, tap  
10 standards, hoses, washers, couplings, gas gauges, vent  
11 tongues, shanks, and check valves. A manufacturer,  
12 distributor, or importing distributor may service, balance, or  
13 inspect draft beer, wine, or distilled spirits systems at  
14 regular intervals and may provide labor to replace or install  
15 dispensing accessories.

16           Coil cleaning supplies consisting of detergents, cleaning  
17 chemicals, brushes, or similar type cleaning devices may be  
18 sold at a price not less than the cost to the manufacturer,  
19 distributor, or importing distributor.

20           (Source: P.A. 90-432, eff. 1-1-98.)

21           (235 ILCS 5/6-6.6 new)

22           Sec. 6-6.6. Giving, selling, and leasing dispensing  
23 equipment. Notwithstanding any provision of this Act to the  
24 contrary, a manufacturer, distributor, or importing  
25 distributor may:

1           (1) give dispensing equipment free of charge to a  
2           retailer, special use permit licensee, or caterer retailer  
3           one time per year for a one-day period. A manufacturer,  
4           distributor, or importing distributor shall not supply a  
5           retailer, special use permit licensee, or caterer retailer  
6           with free beer, wine, spirits, or any other item of value  
7           for the same one-day period the dispensing equipment is  
8           given, except as otherwise provided in this Act or the  
9           Illinois Administrative Code;

10           (2) give dispensing equipment free of charge to a  
11           special event retailer only for the duration of the  
12           licensed special event. A manufacturer, distributor, or  
13           importing distributor shall not supply a special event  
14           retailer with free beer, wine, or distilled spirits for the  
15           event the dispensing equipment is given, except as  
16           otherwise provided in this Act or the Illinois  
17           Administrative Code; or

18           (3) sell dispensing equipment to a retailer, special  
19           event retailer, special use permit licensee, or caterer  
20           retailer for a price that is not less than the cost to the  
21           manufacturer, distributor, or importing distributor. For  
22           purposes of this paragraph (3), the cost of dispensing  
23           equipment is the amount that the manufacturer,  
24           distributor, or importing distributor paid for the  
25           dispensing equipment. If the manufacturer, distributor, or  
26           importing distributor did not pay for the dispensing

1       equipment but was given the equipment, the cost of the  
2       dispensing equipment is equal to (i) the amount another  
3       manufacturer, distributor, or importing distributor paid  
4       for the dispensing equipment, (ii) the cost of  
5       manufacturing or producing the dispensing equipment, or  
6       (iii) the fair market value of the dispensing equipment.

7       A manufacturer, distributor, or importing distributor may  
8       also enter into a written lease for the fair market value of  
9       the dispensing equipment to retailers, special event  
10      retailers, special use permit licensees, or caterer retailers.  
11      The manufacturer, distributor, or importing distributor shall  
12      invoice and collect the sale price or payment for the entire  
13      lease period from the retailer, special event retailer, special  
14      use permit licensee, or caterer retailer within 30 days of the  
15      date of the invoice or from the date the lease is executed. The  
16      term of any lease for dispensing equipment shall not exceed 180  
17      days in the aggregate in one calendar year, and no lease shall  
18      be renewed automatically. There shall be a lapse of 90  
19      consecutive days before the beginning of a new lease term.

20      At the direction of the manufacturer, distributor, or  
21      importing distributor, the retailer, special event retailer,  
22      special use permit licensee, or caterer retailer shall return  
23      the equipment or the manufacturer, distributor, or importing  
24      distributor shall retrieve the dispensing equipment at the  
25      termination of the lease.

26      In this Section, "dispensing equipment" means any portable

1 or temporary unit the primary purpose of which is to pour  
2 alcoholic liquor or to maintain the alcoholic liquor in a  
3 consumable state. "Dispensing equipment" includes courtesy  
4 wagons, beer wagons, beer trailers, ice bins, draft coolers,  
5 coil boxes, portable bars, and kiosks. "Dispensing equipment"  
6 does not include permanent tap systems, permanent  
7 refrigeration systems, or any other built-in or physically  
8 attached fixture of the retailer, special event retailer,  
9 special use permit licensee, or caterer retailer.

10 In this Section, "fair market value" for the purposes of  
11 leasing dispensing equipment means (i) the cost of depreciation  
12 of the dispensing equipment to the manufacturer, distributor,  
13 or importing distributor for the same period of the lease or  
14 (ii) the cost of depreciation the manufacturer, distributor, or  
15 importing distributor would have incurred based upon the market  
16 value of the dispensing equipment if the manufacturer,  
17 distributor, or importing distributor did not pay for the  
18 dispensing equipment or if the dispensing equipment is fully  
19 depreciated.

20 (235 ILCS 5/8-1)

21 Sec. 8-1. A tax is imposed upon the privilege of engaging  
22 in business as a manufacturer or as an importing distributor of  
23 alcoholic liquor other than beer at the rate of \$0.185 per  
24 gallon until September 1, 2009 and \$0.231 per gallon beginning  
25 September 1, 2009 for cider containing not less than 0.5%

1 alcohol by volume nor more than 7% alcohol by volume, \$0.73 per  
2 gallon until September 1, 2009 and \$1.39 per gallon beginning  
3 September 1, 2009 for wine other than cider containing less  
4 than 7% alcohol by volume, and \$4.50 per gallon until September  
5 1, 2009 and \$8.55 per gallon beginning September 1, 2009 on  
6 alcohol and spirits manufactured and sold or used by such  
7 manufacturer, or as agent for any other person, or sold or used  
8 by such importing distributor, or as agent for any other  
9 person. A tax is imposed upon the privilege of engaging in  
10 business as a manufacturer of beer or as an importing  
11 distributor of beer at the rate of \$0.185 per gallon until  
12 September 1, 2009 and \$0.231 per gallon beginning September 1,  
13 2009 on all beer, regardless of alcohol by volume, manufactured  
14 and sold or used by such manufacturer, or as agent for any  
15 other person, or sold or used by such importing distributor, or  
16 as agent for any other person. Any brewer manufacturing beer in  
17 this State shall be entitled to and given a credit or refund of  
18 75% of the tax imposed on each gallon of beer up to 4.9 million  
19 gallons per year in any given calendar year for tax paid or  
20 payable on beer produced and sold in the State of Illinois.

21 For purposes of this Section, "beer" means beer, ale,  
22 porter, stout, and other similar fermented beverages of any  
23 name or description containing one-half of one percent or more  
24 of alcohol by volume, brewed or produced from malt, wholly or  
25 in part, or from any substitute for malt.

26 For the purpose of this Section, "cider" means any



1 alcoholic beverage obtained by the alcohol fermentation of the  
2 juice of apples or pears including, but not limited to,  
3 flavored, sparkling, or carbonated cider.

4 The credit or refund created by this Act shall apply to all  
5 beer taxes in the calendar years 1982 through 1986.

6 The increases made by this amendatory Act of the 91st  
7 General Assembly in the rates of taxes imposed under this  
8 Section shall apply beginning on July 1, 1999.

9 A tax at the rate of 1¢ per gallon on beer and 48¢ per  
10 gallon on alcohol and spirits is also imposed upon the  
11 privilege of engaging in business as a retailer or as a  
12 distributor who is not also an importing distributor with  
13 respect to all beer and all alcohol and spirits owned or  
14 possessed by such retailer or distributor when this amendatory  
15 Act of 1969 becomes effective, and with respect to which the  
16 additional tax imposed by this amendatory Act upon  
17 manufacturers and importing distributors does not apply.  
18 Retailers and distributors who are subject to the additional  
19 tax imposed by this paragraph of this Section shall be required  
20 to inventory such alcoholic liquor and to pay this additional  
21 tax in a manner prescribed by the Department.

22 The provisions of this Section shall be construed to apply  
23 to any importing distributor engaging in business in this  
24 State, whether licensed or not.

25 However, such tax is not imposed upon any such business as  
26 to any alcoholic liquor shipped outside Illinois by an Illinois

1 licensed manufacturer or importing distributor, nor as to any  
2 alcoholic liquor delivered in Illinois by an Illinois licensed  
3 manufacturer or importing distributor to a purchaser for  
4 immediate transportation by the purchaser to another state into  
5 which the purchaser has a legal right, under the laws of such  
6 state, to import such alcoholic liquor, nor as to any alcoholic  
7 liquor other than beer sold by one Illinois licensed  
8 manufacturer or importing distributor to another Illinois  
9 licensed manufacturer or importing distributor to the extent to  
10 which the sale of alcoholic liquor other than beer by one  
11 Illinois licensed manufacturer or importing distributor to  
12 another Illinois licensed manufacturer or importing  
13 distributor is authorized by the licensing provisions of this  
14 Act, nor to alcoholic liquor whether manufactured in or  
15 imported into this State when sold to a "non-beverage user"  
16 licensed by the State for use in the manufacture of any of the  
17 following when they are unfit for beverage purposes:

18 Patent and proprietary medicines and medicinal,  
19 antiseptic, culinary and toilet preparations;

20 Flavoring extracts and syrups and food products;

21 Scientific, industrial and chemical products, excepting  
22 denatured alcohol;

23 Or for scientific, chemical, experimental or mechanical  
24 purposes;

25 Nor is the tax imposed upon the privilege of engaging in  
26 any business in interstate commerce or otherwise, which

1 business may not, under the Constitution and Statutes of the  
2 United States, be made the subject of taxation by this State.

3 The tax herein imposed shall be in addition to all other  
4 occupation or privilege taxes imposed by the State of Illinois  
5 or political subdivision thereof.

6 If any alcoholic liquor manufactured in or imported into  
7 this State is sold to a licensed manufacturer or importing  
8 distributor by a licensed manufacturer or importing  
9 distributor to be used solely as an ingredient in the  
10 manufacture of any beverage for human consumption, the tax  
11 imposed upon such purchasing manufacturer or importing  
12 distributor shall be reduced by the amount of the taxes which  
13 have been paid by the selling manufacturer or importing  
14 distributor under this Act as to such alcoholic liquor so used  
15 to the Department of Revenue.

16 If any person received any alcoholic liquors from a  
17 manufacturer or importing distributor, with respect to which  
18 alcoholic liquors no tax is imposed under this Article, and  
19 such alcoholic liquor shall thereafter be disposed of in such  
20 manner or under such circumstances as may cause the same to  
21 become the base for the tax imposed by this Article, such  
22 person shall make the same reports and returns, pay the same  
23 taxes and be subject to all other provisions of this Article  
24 relating to manufacturers and importing distributors.

25 Nothing in this Article shall be construed to require the  
26 payment to the Department of the taxes imposed by this Article

1 more than once with respect to any quantity of alcoholic liquor  
2 sold or used within this State.

3 No tax is imposed by this Act on sales of alcoholic liquor  
4 by Illinois licensed foreign importers to Illinois licensed  
5 importing distributors.

6 All of the proceeds of the additional tax imposed by Public  
7 Act 96-34 shall be deposited by the Department into the Capital  
8 Projects Fund. The remainder of the tax imposed by this Act  
9 shall be deposited by the Department into the General Revenue  
10 Fund.

11 A manufacturer of beer that imports or transfers beer into  
12 this State must comply with the provisions of this Section with  
13 regard to the beer imported into this State.

14 The provisions of this Section 8-1 are severable under  
15 Section 1.31 of the Statute on Statutes.

16 (Source: P.A. 100-885, eff. 8-14-18.)

17 (235 ILCS 5/8-5) (from Ch. 43, par. 163a)

18 (Text of Section before amendment by P.A. 100-1050)

19 Sec. 8-5. As soon as practicable after any return is filed,  
20 the Department shall examine such return and shall correct such  
21 return according to its best judgment and information, which  
22 return so corrected by the Department shall be prima facie  
23 correct and shall be prima facie evidence of the correctness of  
24 the amount of tax due, as shown therein. Instead of requiring  
25 the licensee to file an amended return, the Department may

1 simply notify the licensee of the correction or corrections it  
2 has made. Proof of such correction by the Department, or of the  
3 determination of the amount of tax due as provided in Sections  
4 8-4 and 8-10, may be made at any hearing before the Department  
5 or in any legal proceeding by a reproduced copy of the  
6 Department's record relating thereto in the name of the  
7 Department under the certificate of the Director of Revenue.  
8 Such reproduced copy shall, without further proof, be admitted  
9 into evidence before the Department or in any legal proceeding  
10 and shall be prima facie proof of the correctness of the amount  
11 of tax due, as shown therein. If the return so corrected by the  
12 Department discloses the sale or use, by a licensed  
13 manufacturer or importing distributor, of alcoholic liquors as  
14 to which the tax provided for in this Article should have been  
15 paid, but has not been paid, in excess of the alcoholic liquors  
16 reported as being taxable by the licensee, and as to which the  
17 proper tax was paid the Department shall notify the licensee  
18 that it shall issue the taxpayer a notice of tax liability for  
19 the amount of tax claimed by the Department to be due, together  
20 with penalties at the rates prescribed by Sections 3-3, 3-5 and  
21 3-6 of the Uniform Penalty and Interest Act, which amount of  
22 tax shall be equivalent to the amount of tax which, at the  
23 prescribed rate per gallon, should have been paid with respect  
24 to the alcoholic liquors disposed of in excess of those  
25 reported as being taxable. No earlier than 90 days after the  
26 due date of the return, the Department may compare filed

1 returns, or any amendments thereto, against reports of sales of  
2 alcoholic liquor submitted to the Department by other  
3 manufacturers and distributors. If a return or amended return  
4 is corrected by the Department because the return or amended  
5 return failed to disclose the purchase of alcoholic liquor from  
6 manufacturers or distributors on which the tax provided for in  
7 this Article should have been paid, but has not been paid, the  
8 Department shall issue the taxpayer a notice of tax liability  
9 for the amount of tax claimed by the Department to be due,  
10 together with penalties at the rates prescribed by Sections  
11 3-3, 3-5, and 3-6 of the Uniform Penalty and Interest Act. In a  
12 case where no return has been filed, the Department shall  
13 determine the amount of tax due according to its best judgment  
14 and information and shall issue the taxpayer a notice of tax  
15 liability for the amount of tax claimed by the Department to be  
16 due as herein provided together with penalties at the rates  
17 prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty  
18 and Interest Act. If, in administering the provisions of this  
19 Act, a comparison of a licensee's return or returns with the  
20 books, records and physical inventories of such licensee  
21 discloses a deficiency which cannot be allocated by the  
22 Department to a particular month or months, the Department  
23 shall issue the taxpayer a notice of tax liability for the  
24 amount of tax claimed by the Department to be due for a given  
25 period, but without any obligation upon the Department to  
26 allocate such deficiency to any particular month or months,

1 together with penalties at the rates prescribed by Sections  
2 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which  
3 amount of tax shall be equivalent to the amount of tax which,  
4 at the prescribed rate per gallon, should have been paid with  
5 respect to the alcoholic liquors disposed of in excess of those  
6 reported being taxable, with the tax thereon having been paid  
7 under which circumstances the aforesaid notice of tax liability  
8 shall be prima facie correct and shall be prima facie evidence  
9 of the correctness of the amount of tax due as shown therein;  
10 and proof of such correctness may be made in accordance with,  
11 and the admissibility of a reproduced copy of such notice of  
12 the Department's notice of tax liability shall be governed by,  
13 all the provisions of this Act applicable to corrected returns.

14 If the licensee dies or becomes a person under legal  
15 disability at any time before the Department issues its notice  
16 of tax liability, such notice shall be issued to the  
17 administrator, executor or other legal representative, as  
18 such, of the deceased or licensee who is under legal  
19 disability.

20 If such licensee or legal representative, within 60 days  
21 after such notice of tax liability, files a protest to such  
22 notice of tax liability and requests a hearing thereon, the  
23 Department shall give at least 7 days' notice to such licensee  
24 or legal representative, as the case may be, of the time and  
25 place fixed for such hearing and shall hold a hearing in  
26 conformity with the provisions of this Act, and pursuant

1 thereto shall issue a final assessment to such licensee or  
2 legal representative for the amount found to be due as a result  
3 of such hearing.

4 If a protest to the notice of tax liability and a request  
5 for a hearing thereon is not filed within 60 days after such  
6 notice of tax liability, such notice of tax liability shall  
7 become final without the necessity of a final assessment being  
8 issued and shall be deemed to be a final assessment.

9 In case of failure to pay the tax, or any portion thereof,  
10 or any penalty provided for herein, when due, the Department  
11 may recover the amount of such tax, or portion thereof, or  
12 penalty in a civil action; or if the licensee dies or becomes a  
13 person under legal disability, by filing a claim therefor  
14 against his or her estate; provided that no such claim shall be  
15 filed against the estate of any deceased or of the licensee who  
16 is under legal disability for any tax or penalty or portion  
17 thereof except in the manner prescribed and within the time  
18 limited by the Probate Act of 1975, as amended.

19 The collection of any such tax and penalty, or either, by  
20 any means provided for herein, shall not be a bar to any  
21 prosecution under this Act.

22 In addition to any other penalty provided for in this  
23 Article, all provisions of the Uniform Penalty and Interest Act  
24 that are not inconsistent with this Act apply ~~any licensee who~~  
25 ~~fails to pay any tax within the time required by this Article~~  
26 ~~shall be subject to assessment of penalties and interest at~~



1 ~~rates set forth in the Uniform Penalty and Interest Act.~~

2 (Source: P.A. 87-205; 87-879.)

3 (Text of Section after amendment by P.A. 100-1050)

4 Sec. 8-5. As soon as practicable after any return is filed  
5 ~~but not before 90 days after the return is filed, or any~~  
6 ~~amendments to that return, whichever is later,~~ the Department  
7 shall examine such return or amended return and shall correct  
8 such return according to its best judgment and information,  
9 which return so corrected by the Department shall be prima  
10 facie correct and shall be prima facie evidence of the  
11 correctness of the amount of tax due, as shown therein. Instead  
12 of requiring the licensee to file an amended return, the  
13 Department may simply notify the licensee of the correction or  
14 corrections it has made. Proof of such correction by the  
15 Department, or of the determination of the amount of tax due as  
16 provided in Sections 8-4 and 8-10, may be made at any hearing  
17 before the Department or in any legal proceeding by a  
18 reproduced copy of the Department's record relating thereto in  
19 the name of the Department under the certificate of the  
20 Director of Revenue. Such reproduced copy shall, without  
21 further proof, be admitted into evidence before the Department  
22 or in any legal proceeding and shall be prima facie proof of  
23 the correctness of the amount of tax due, as shown therein. If  
24 the return so corrected by the Department discloses the sale or  
25 use, by a licensed manufacturer or importing distributor, of

1 alcoholic liquors as to which the tax provided for in this  
2 Article should have been paid, but has not been paid, in excess  
3 of the alcoholic liquors reported as being taxable by the  
4 licensee, and as to which the proper tax was paid the  
5 Department shall notify the licensee that it shall issue the  
6 taxpayer a notice of tax liability for the amount of tax  
7 claimed by the Department to be due, together with penalties at  
8 the rates prescribed by Sections 3-3, 3-5 and 3-6 of the  
9 Uniform Penalty and Interest Act, which amount of tax shall be  
10 equivalent to the amount of tax which, at the prescribed rate  
11 per gallon, should have been paid with respect to the alcoholic  
12 liquors disposed of in excess of those reported as being  
13 taxable. No earlier than 90 days after the due date of the  
14 return, the Department may compare filed returns, or any  
15 amendments thereto, against reports of sales of alcoholic  
16 liquor submitted to the Department by other manufacturers and  
17 distributors. If a return or amended return is corrected by the  
18 Department because the return or amended return failed to  
19 disclose the purchase of alcoholic liquor from manufacturers or  
20 distributors on which the tax provided for in this Article  
21 should have been paid, but has not been paid, the Department  
22 shall issue the taxpayer a notice of tax liability for the  
23 amount of tax claimed by the Department to be due, together  
24 with penalties at the rates prescribed by Sections 3-3, 3-5,  
25 and 3-6 of the Uniform Penalty and Interest Act. In a case  
26 where no return has been filed, the Department shall determine

1 the amount of tax due according to its best judgment and  
2 information and shall issue the taxpayer a notice of tax  
3 liability for the amount of tax claimed by the Department to be  
4 due as herein provided together with penalties at the rates  
5 prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty  
6 and Interest Act. If, in administering the provisions of this  
7 Act, a comparison of a licensee's return or returns with the  
8 books, records and physical inventories of such licensee  
9 discloses a deficiency which cannot be allocated by the  
10 Department to a particular month or months, the Department  
11 shall issue the taxpayer a notice of tax liability for the  
12 amount of tax claimed by the Department to be due for a given  
13 period, but without any obligation upon the Department to  
14 allocate such deficiency to any particular month or months,  
15 together with penalties at the rates prescribed by Sections  
16 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which  
17 amount of tax shall be equivalent to the amount of tax which,  
18 at the prescribed rate per gallon, should have been paid with  
19 respect to the alcoholic liquors disposed of in excess of those  
20 reported being taxable, with the tax thereon having been paid  
21 under which circumstances the aforesaid notice of tax liability  
22 shall be prima facie correct and shall be prima facie evidence  
23 of the correctness of the amount of tax due as shown therein;  
24 and proof of such correctness may be made in accordance with,  
25 and the admissibility of a reproduced copy of such notice of  
26 the Department's notice of tax liability shall be governed by,

1 all the provisions of this Act applicable to corrected returns.

2 If the licensee dies or becomes a person under legal  
3 disability at any time before the Department issues its notice  
4 of tax liability, such notice shall be issued to the  
5 administrator, executor or other legal representative, as  
6 such, of the deceased or licensee who is under legal  
7 disability.

8 If such licensee or legal representative, within 60 days  
9 after such notice of tax liability, files a protest to such  
10 notice of tax liability and requests a hearing thereon, the  
11 Department shall give at least 7 days' notice to such licensee  
12 or legal representative, as the case may be, of the time and  
13 place fixed for such hearing and shall hold a hearing in  
14 conformity with the provisions of this Act, and pursuant  
15 thereto shall issue a final assessment to such licensee or  
16 legal representative for the amount found to be due as a result  
17 of such hearing.

18 If a protest to the notice of tax liability and a request  
19 for a hearing thereon is not filed within 60 days after such  
20 notice of tax liability, such notice of tax liability shall  
21 become final without the necessity of a final assessment being  
22 issued and shall be deemed to be a final assessment.

23 In case of failure to pay the tax, or any portion thereof,  
24 or any penalty provided for herein, when due, the Department  
25 may recover the amount of such tax, or portion thereof, or  
26 penalty in a civil action; or if the licensee dies or becomes a

1 person under legal disability, by filing a claim therefor  
2 against his or her estate; provided that no such claim shall be  
3 filed against the estate of any deceased or of the licensee who  
4 is under legal disability for any tax or penalty or portion  
5 thereof except in the manner prescribed and within the time  
6 limited by the Probate Act of 1975, as amended.

7 The collection of any such tax and penalty, or either, by  
8 any means provided for herein, shall not be a bar to any  
9 prosecution under this Act.

10 In addition to any other penalty provided for in this  
11 Article, all provisions of the Uniform Penalty and Interest Act  
12 that are not inconsistent with this Act apply ~~any licensee who~~  
13 ~~fails to pay any tax within the time required by this Article~~  
14 ~~shall be subject to assessment of penalties and interest at~~  
15 ~~rates set forth in the Uniform Penalty and Interest Act.~~

16 (Source: P.A. 100-1050, eff. 7-1-19.)

17 Section 95. No acceleration or delay. Where this Act makes  
18 changes in a statute that is represented in this Act by text  
19 that is not yet or no longer in effect (for example, a Section  
20 represented by multiple versions), the use of that text does  
21 not accelerate or delay the taking effect of (i) the changes  
22 made by this Act or (ii) provisions derived from any other  
23 Public Act.

24 Section 999. Effective date. This Act takes effect upon

1 becoming law.".